

REMARKS

The Office Action has been carefully considered and the foregoing amendment made in response thereto. The present status is as follows:

- The drawings are objected to under 37 C.F.R. §§ 1.121(a)(6), 1.83(a).
- The specification is objected to under 35 U.S.C. § 132 and 37 C.F.R. § 1.71.
- Claims 1, 4-23, 26-31, and 35-38 are pending in the application.
- Claims 1, 4-23, 26-31, and 35-38 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to convey the subject matter of the invention.
- Claims 1, 4-23, 26-31, and 35-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention.
- Claims 1, 5, 6, 8, 9, 12-16, and 19-23 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Giese (U.S. Pat. No. 5,572,805).
- Claims 26, 29-31, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hockerson (WIPO 98/20763).
- Claims 1, 4, 6-9, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas (U.S. Pat. No. 444,735) in view of Trimpop (German 29700699).
- Claims 1, 4, 6-10, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiss (U.S. Pat. No. 1,484,785) in view of Trimpop (German 29700699).
- Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiss (U.S. Pat. No. 1,484,785) in view of Trimpop (German 29700699), and further in view of Kendall (U.S. Pat. No. 5,713,143).
- Claims 10, 13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805).
- Claims 26-30, and 35-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805) in view of Crowley (U.S. Pat. No. 4,393,604).
- Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805) in view of Crowley (U.S. Pat. No. 4,393,604), and further in view of Cameron (U.S. Pat. No. 3,739,497) or Barre (U.S. Pat. No. 5,473,827).

In view of the above amendment and following remarks, Applicant respectfully requests reconsideration and withdrawal of (i) the objections to the specification and drawings, and (ii) the rejection of the claims 1, 4-23, 26-31, and 35-38.

1. The drawings are objected to under 37 C.F.R. §§ 1.121(a)(6), 1.83(a). The Examiner has objected to the drawings stating that they:

- Introduce new matter with respect to showing (i) the specific shading in the amended drawings and, (ii) the added shaping of figures 1B, 1C, 1D, 1E, 1G, 2B-G, and 3B-G.
- Fail to show the:
 - Different thicknesses (as claimed in claims 12-16, and described in the specification at, for example, p. 4, ll. 15-22).
 - Different materials (as claimed in claims 17 and 18, and described in the specification at, for example, p. 4, ll. 23-28).
 - An intermediate layer (as claimed in claims 32-34 as filed (amended on 29-Aug-01 to appear as claims 36-38), and described in the specification at, for example, p. 4, ll. 4-10).

In the previous Amendment and Response (dated 29-Aug-01), Applicant submitted three sets of professionally drafted drawings, labeled as follows, with their content as described:

- “Original Version” – a professionally drafted version of the drawings as filed.
- “Markup Version” – a markup of the Original Version showing the changes indicated in red made per the Examiner’s request in the 30-May-01 Office Action.
- “Revised Version” – a professionally drafted version incorporating the changes indicated in the Markup Version.

Enclosed herewith are two additional sets of professionally drafted drawings, labeled as follows, with their content as described:

- “Second Markup Version” – a markup of the previously submitted Original Version showing the changes highlighted in response to the 11-Oct-01 Office Action.
- “Second Revised Version” – a professionally drafted version incorporating the changes indicated in the Second Markup Version.

Applicant has used shading in the Second Markup Version and Second Revised Version to identify the differing materials as claimed in claims 17 and 18. This shading is consistent with MPEP § 608.02 and 37 C.F.R. § 1.84(m). In the 29-Aug-01 Amendment and Response, Applicant amended the specification paragraph beginning on page 13, line 4 to describe the shading.

Applicant respectfully submits that the original disclosure supports the differing materials and thicknesses denoted by the shading and shaping introduced into the drawings in the Amendment and Response of 29-Aug-01, and as further refined herein. For example, the material and thickness of a “first portion” is different from the material and thickness of a “second portion.” Specification, p. 4, ll. 15-29. The first portion can be the forefoot or midfoot portion. Specification, p. 4, ll. 17-19. The second portion can be the forefoot portion or the rearfoot portion. *Id.* The locations of the shading and shaping in the drawings as submitted herewith are consistent with this disclosure and do not represent new matter.

To clarify the shading, Applicant has amended Figures 1A, 2A, 3A, and 4, as enclosed herewith, to align the boundaries of the shading to agree with the forefoot, midfoot, and rearfoot boundaries denoted by the corresponding brackets and reference designators. With respect to Figure 3A, Applicant has added the inadvertently omitted reference designators 204 and 208, identifying the midfoot portion and rearfoot portion, respectively. No new matter has been added, since these reference designators simply continue a common numbering scheme Applicant adopted for identifying these regions. For example, the midfoot portion 304 and rearfoot portion 308 are shown in Figure 4 and described in the specification at p. 13, ll. 10-11. Further, Figure 1A shows the midfoot portion 4 and rearfoot portion 8 as described in the specification at p. 6, ll. 5-6. Consequently, it is clear that Applicant adopted a common reference designator numbering scheme (i.e., ending in “4” or “8”) to identify the midfoot and rearfoot

portions (respectively). Applicant has also amended the specification to include specific references to the midfoot portion 204 and the rearfoot portion 208.

With respect to the intermediate layer 203, this is located between the chassis 202 and the skin 238. Specification, p. 12, ll. 8-9. The location of intermediate layer 203 as shown in amended Figures 3B, 3E, 3F, and 3G is consistent with this. Applicant has also amended Figures 3C, 3D, 3E, and 3H to correct the position of 238 accordingly.

The Office Action states that the amended drawings add new matter as to the dimensions of the differing materials, differing thicknesses, and the intermediate layer. Applicant respectfully submits that the drawings are not scaled but are schematic in nature and, as such, do not convey dimensional information.

Applicant respectfully submits that the aforementioned changes to the drawings are sufficient to show every feature of the invention as claimed. After the Examiner's approval of these changes, Applicant will incorporate them into the final drawings. Applicant will submit final drawings after receipt of the Notice of Allowability.

2. The specification is objected to under 35 U.S.C. § 132 and 37 C.F.R. § 1.71. The Examiner has objected to the specification stating that the added reference to the shading in the drawings introduces new matter, and that there is no basis for the limitation "the chassis is substantially flat in the toe portion" as claimed in amended claims 1, 20, and 26.

With respect to the shading, and as discussed above, the concept of differing materials was disclosed in the application as filed. Applicant uses shading as permitted by MPEP § 608.02 and 37 C.F.R. § 1.84(m) to denote the differing materials. The shading, as shown in the drawings enclosed herewith, is consistent with the original disclosure and, accordingly, no new matter has been added.

With respect to the limitation in claims 1, 20, and 26 that the chassis be substantially flat in the toe portion, Applicant has amended these claims as shown herein to remove that limitation.

Applicant submits that the aforementioned changes to independent claims 1, 20, and 26, and to the drawings enclosed herewith, satisfy the requirements of 35 U.S.C. § 132 and 37 C.F.R.

§ 1.71. Applicant respectfully requests reconsideration and withdrawal of the objection to the specification under 35 U.S.C. § 132 and 37 C.F.R. § 1.71.

3. Claims 1, 4-23, 26-31, and 35-38 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to convey the subject matter of the invention. Applicant respectfully traverses this rejection as applied to the claims as amended.

Applicant is uncertain what aspects of claims 1, 4-23, 26-31, and 35-38 the Office Action is addressing in this rejection. Applicant respectfully requests clarification of this issue. Nevertheless, if the issue is the inclusion of the limitation that the chassis be “substantially flat in the toe portion,” Applicant has, as stated above, amended independent claims 1, 20, and 26 as shown herein to remove that limitation. Since the remaining claims all depend, directly or indirectly, from one of these independent claims, this limitation has been removed from the dependent claims as well.

If the issue in this rejection is the inclusion of the shading, Applicant respectfully submits that the concept of differing materials was disclosed in the application as filed. As discussed above in detail, Applicant uses shading as permitted by MPEP § 608.02 and 37 C.F.R. § 1.84(m) to denote the differing materials. The shading, as shown in the drawings enclosed herewith, is consistent with the original disclosure and, accordingly, no new matter has been added.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4-23, 26-31, and 35-38 under 35 U.S.C. § 112, first paragraph.

4. Claims 1, 4-23, 26-31, and 35-38 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. Applicant respectfully traverses this rejection as applied to the claims as amended.

The Office Action states that the phrase “the chassis is substantially flat in the toe portion” is confusing, vague, and indefinite. Applicant has, as stated above, amended independent claims 1, 20, and 26 as shown herein to remove that limitation. Since the remaining

claims all depend, directly or indirectly, from one of these independent claims, this limitation has been removed from the dependent claims as well.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4-23, 26-31, and 35-38 under 35 U.S.C. § 112, second paragraph.

5. Claims 1, 5, 6, 8, 9, 12-16, and 19-23 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Giese (U.S. Pat. No. 5,572,805). Applicant respectfully traverses this rejection as applied to the claims as amended.

The Office Action states that claims 1, 6, 8, 9, and 19-21 are clearly anticipated by Giese Figures 127-131, and that claims 1, 5, 6, 8, 9, 12-16, and 19-23 are clearly anticipated by Giese Figures 100-103.

Applicant has amended independent claim 1 as shown herein to require a plurality of elongated elements in the forefoot portion (instead of at least one) defining at least one space therebetween, the at least one space extending from a forwardmost extent of the forefoot portion and terminating in the midfoot portion. This distinguishes Applicant's invention from Giese, wherein:

- (i) the space between the stabilizer bars 23 extends along the entire length of the stabilizer bars 23 (Giese Figure 100), or
- (ii) the opening 34 does not extent to the forwardmost extent of the stabilizer 33 (Giese Figure 127).

Likewise, applicant has also amended independent claim 20 as shown herein to require that the plurality of elongated elements define at least one space therebetween, the at least one space extending from a forwardmost extent of the forefoot portion of the plurality of elongated elements and terminating in the midfoot portion.

Applicant's amendments to claims 1 and 20 do not add new matter, since support for these changes can be found in the drawings as filed in, for example, Figures 1A, 2A, and 3A. These amendments to independent claims 1 and 20 clearly and patentably distinguish Applicant's invention over Giese, thereby rendering claims 1 and 20 allowable. As claims 5, 6, 8, 9, 12-16,

19, and 21-23 all depend, directly or indirectly, from independent claim 1 or 20, Applicant respectfully submits that the remaining claims are allowable as well.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 5, 6, 8, 9, 12-16, and 19-23 under 35 U.S.C. § 102(b) as being clearly anticipated by Giese.

6. Claims 26, 29-31, and 35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hockerson (WIPO 98/20763). Applicant respectfully traverses this rejection as applied to the claims as amended.

Hockerson discloses a cleat frame 22 with a narrowed forefoot part 64 (Hockerson Figure 6). The cleat frame 22 is used in conjunction with the sole 20 in forming the shoe 18. Examination of Hockerson Figures 2, 6, and 7 shows that, in the forefoot part 64, the cleat frame narrows rapidly just forward of cleat supports 46, 48. Consequently, a significant portion of the forefoot region of the cleat frame 22 does not extend to the medial and lateral sides of the shoe 18.

In contrast, and as shown in Figures 1A, 2A, 3A, and 4A, the chassis of Applicant's invention does not narrow abruptly in the forefoot portion like Hockerson, but instead follows the outline of the article of footwear, extending from the lateral side to the medial side of the article of footwear in the forefoot portion. Applicant has amended independent claim 26 accordingly, requiring that the forefoot portion of the chassis extends from a lateral side to a medial side of the article of footwear.

This amendment to independent claim 26 clearly and patentably distinguishes Applicant's invention over Hockerson, thereby rendering claim 26 allowable. As claims 29-31, and 35 all depend, directly or indirectly, from independent claim 26, Applicant respectfully submits that the remaining claims are allowable as well.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 26, 29-31, and 35 under 35 U.S.C. § 102(b) as being anticipated by Hockerson.

7. Claims 1, 4, 6-9, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thomas (U.S. Pat. No. 444,735) in view of Trimpop (German 29700699). Applicant respectfully traverses this rejection as applied to the claims as amended.

Thomas discloses an insole with separate metallic plates Z and C. Thomas requires separate plates to achieve the desired voltaic effect (i.e., between Z and C). Accordingly, Thomas teaches away from any requirement that an insole structure have single piece construction.

Trimpop discloses a plate extending from the arch-area to the toe-area, the plate being at least 50% the width of the [ground] contact surface, extending from at least the toe area to the arch area, and having one or more spring-back elements.

Applicant has amended independent claims 1 and 20 as shown herein to require a “single piece” chassis. No new matter has been added, since Applicant’s single piece construction is shown in, for example, Figures 1A, 2A, and 3A. Further, Applicant’s claims 1, 20, and 26 require that at least one elongated element of the chassis extends into substantially the entire length of a heel portion of the article of footwear. When the chassis is installed in the article of footwear, the elongated elements extend from the rearmost extent of the heel portion of the article of footwear to the toe portion. The chassis can also extend substantially along the entire length of the heel portion.

The Office Action states that the Trimpop chassis is “capable” of being placed in a shoe where the chassis would extend substantially the entire length. Applicant respectfully submits that there is no suggestion for this modification because, in Trimpop, the elements can be shifted “more to the toe-area or to the heel-area.” Trimpop translation, p. 2, l. 2 (emphasis added). This toe or heel alternative contrasts with Applicant’s design that requires elements in both the toe and heel in a single embodiment.

In view of the aforementioned amendments to independent claims 1 and 20, and the discussion above, claims 1 and 20 are clearly and patentably distinguished over the cited references, either alone or in combination, and are therefore allowable. As claims 4, 6-9, 19, and 21 all depend, directly or indirectly, from independent claim 1 or 20, Applicant respectfully submits that the remaining claims are allowable as well.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4, 6-9, and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Trimpop.

8. Claims 1, 4, 6-10, and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiss (U.S. Pat. No. 1,484,785) in view of Trimpop (German 29700699). Applicant respectfully traverses this rejection as applied to the claims as amended.

Hiss discloses an arch supporting appliance 1 that, in side view, has a substantially serpentine profile. Hiss Figure 2. This facilitates the installation of the supporting appliance 1 between the inner sole 8 and outer sole 11 of the shoe, allowing the supporting appliance 1 to follow the heel-to-toe contour. Hiss Figure 7. Further, and as shown in Hiss Figures 4 and 5, the shank portion 4 of the arch supporting appliance 1 is asymmetric. This purportedly avoids support of the inner longitudinal arc. Hiss claims 1-4.

Trimpop discloses a plate 2 that includes tongues 4 that join at the bridge 5. The bridge 5 is not asymmetric, but is sufficiently wide to accommodate the junction of the tongues 4. The tongues 4 cover the contact surface of the sole nearly completely. Trimpop translation, p. 2, l. 20.

Applicant's invention is nonobvious because there is no motivation to combine Hiss with Trimpop. Any such combination would destroy the desired functionality of the Hiss shank portion 4 and the Trimpop bridge 5. The former requires asymmetry to avoid support of the inner longitudinal arc. The latter requires an adequate width to provide sufficient area for all of the Trimpop tongues 4 to join. Any shank or bridge portion that was sufficiently wide to accommodate the tongues 4 from their positions across the contact surface of the sole would, as shown in Trimpop Figure 3, extend across the width of the shoe.

Further, and in contrast to Hiss, Applicant's chassis is generally planar. Specification, p. 8, l. 1. Accordingly, Applicant has amended claims 1 and 20 as shown herein to include this requirement. In view of the these amendments to independent claims 1 and 20, and the discussion above, claims 1 and 20 are clearly and patentably distinguished over the cited references, either alone or in combination, and are therefore allowable. As claims 4, 6-10, 19,

and 21 all depend, directly or indirectly, from independent claim 1 or 20, Applicant respectfully submits that the remaining claims are allowable as well.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4, 6-10, and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Hiss in view of Trimpop.

9. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hiss (U.S. Pat. No. 1,484,785) in view of Trimpop (German 29700699), and further in view of Kendall (U.S. Pat. No. 5,713,143). Applicant respectfully submits that the aforementioned amendments made to independent claim 1 (from which claim 11 indirectly depends) render claim 11 allowable, and that Kendall fails to cure the deficiencies of Hiss and Trimpop with respect to independent claim 1.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Hiss in view of Trimpop, and further in view of Kendall.

10. Claims 10, 13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805). Applicant respectfully submits that the aforementioned amendments made to claim 1 (from which claims 10, 13, and 15-18 indirectly depend) render claims 10, 13, and 15-18 allowable.

Further, Giese discloses a composite shoe bottom with a lower layer 2, an upper layer 3, and stabilizers 19, 33 molded therebetween above the lower layer 2. Col. 11, l. 67 – col. 12, l. 3; figures 112 – 116. The stabilizers 19, 33 include a heel cutout 28 and heel opening 36, respectively. With respect to claim 10, there is no motivation to modify Giese because Giese teaches away from the claimed invention. Giese discloses the presence of an optional heel cutout 28 and heel opening 36, apparently to exploit the wearer's heel tissue for cushioning. Col. 12, ll. 7-25. As such, the heel cutout 28 and heel opening 36 need only be sufficiently large and generally located for "forcing the heel's fatty tissue beneath the heel for cushioning." Col. 12, ll. 24-25. Furthermore, the heel cutout 28 need not be present ("... stabilizer 19 which may have a heel cutout 28 ..." Col. 12, ll. 7-8 (emphasis added). Although Applicant's chevron openings

112, 212 perform a similar function, their presence, shape, and position are specific to permit cleat formation. Specification, p. 10, ll. 1-4. A person of ordinary skill, after reading Giese, would be discouraged from following Giese, because the general configuration of the optional heel cutout 28 and heel opening 36 would frustrate the desired result of creating a configuration that permits cleat formation.

With respect to claims 17 and 18, Applicant's chassis 2, 102, 202 can include different material types with different material properties. Specification, p. 13, ll. 3-6. Thus, claims 17 and 18 affect the internal structure of Applicant's footwear (i.e., the encapsulated chassis). In contrast, and as referenced in the Office Action (p. 7), Giese discloses the use of different materials in the sole portion 38. Col. 13, ll. 15-40. As shown in, for example, Giese figure 137, the sole portion (or outsole) 38 is attached to the combination of the upper layer 3 and lower layer 2, and is therefore external to and independent from the stabilizer 19, 33. Giese varies external materials to improve traction and abrasion resistance. Col. 12, ll. 45-47. Applicant, however, claims varying the materials of the internal chassis 2, 102, 202 to affect support and power transfer. Specification, p. 13, ll. 6-8. A person of ordinary skill would not seek to modify Giese since the problems Giese addresses (i.e., traction and abrasion) differ from those addressed by Applicant (i.e., support and power transfer). Consequently, Giese teaches away from Applicant's invention, thereby rendering the suggested modification nonobvious.

In view of the aforementioned amendments to claim 1 (from which claims 10, 13, 15-18 indirectly depend) and the discussion above, Applicant respectfully submits claims 10, 13, 15-18 are clearly and patentably distinguished over Giese and are therefore allowable. Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 10, 13, 15-18 under 35 U.S.C. § 103(a) as being unpatentable over Giese.

11. Claims 26-30, and 35-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805) in view of Crowley (U.S. Pat. No. 4,393,604).

With respect to claims 26-30, the Office Action identifies the "different contours" present in Giese. Office Action p. 7. These contours are not localized, but are uniformly distributed over the ground contacting portions of the outsole. Giese Figures 146-148. Giese does not include any reference to contours that are non-uniform, as would be the case with cleats. Even when

more than one contour is used, Giese shows that the contours are uniformly distributed and not localized. Giese Figures 149-157. In contrast, the cleats Crowley discloses are localized projections. Crowley Figures 2 and 3.

Giese's use of uniform contours distributed over the ground contacting portions of the outsole teaches away from the use of localized projections. To maximize traction (a purpose of cleats), the latter would have no uniformity across the ground contacting surface. Such an irregular surface, as exemplified by Crowley, achieves the desired traction capability. Accordingly, Applicant's invention is nonobvious and Applicant respectfully submits that claims 26-30 are allowable.

With respect to claim 35, Applicant submits that it is not a product-by-process claim as the Office Action suggests. Office Action p. 9. The "integrally formed" language in claim 35 is a structural limitation. *Fromson v. Advance Offset Plate, Inc.*, 219 USPQ 1137, 1141 (Fed. Cir. 1983) ("That a process limitation appears in a claim does not convert it to a product by process claim."). The "integrally formed" language is similar in meaning to "interbonded" or "intermixed." Both interbonded and intermixed have been construed as structural, rather than process limitations. *In re Garnero*, 162 USPQ 221, 223 (C.C.P.A. 1969).

Applicant's chassis/skin structure 201 corresponds to the bottom layer in Giese figures 112 – 115. Giese obtains structural benefits by including the stabilizer 19 above the bottom layer. In contrast, Applicant gets structural benefits from the integrally formed chassis/skin 201 that comprises the lowermost layer of Applicant's footwear article. In light of the "integrally formed" structural limitation, Applicant respectfully submits that claim 35 is nonobvious and clearly and patentably distinguished over the cited references, either alone or in combination, and is therefore allowable.

With respect to claims 36-38, the Office Action states that Giese shows a skin layer (the unlabeled bottom layer in Giese Figures 112 – 115 corresponding to the rubber outsole (reference designator 5) in Giese Figures 11 – 15 (col. 8, ll. 48-50)) and an intermediate layer (apparently another unlabeled layer shown immediately above the bottom layer in these figures). Giese Figures 113 – 115, which are frontal cross sectional views, clearly show that the bottom layer wraps up over the medial and lateral sides of the secondary layer. Furthermore, Giese Figure 111

(a perspective view of the shoe sole) and Giese Figure 116 (a view along a sagittal axis from the heel area toward the toe) show only the bottom layer. Consequently, the Giese intermediate layer is not externally visible.

The Office Action states that (i) the use of transparent materials for outer sole elements is extremely well known, and (ii) that it would have been obvious to make the outer skin layer of Giese transparent. Nevertheless, Applicant's claim 36 is not directed to the transparent nature of the skin layer that the Office Action suggests, but simply to a condition wherein the intermediate layer is externally visible. Transparency of the skin layer is but one way to achieve this condition.

Applicant respectfully submits that neither Giese nor Crowley suggest or disclose an externally visible intermediate layer or a transparent skin layer. The complete visual obstruction of the intermediate layer by the skin layer is clearly evident by the shading shown in Giese Figures 111 and 116. Consequently, Applicant's invention is nonobvious and Applicant respectfully submits that claims 36-38 are allowable.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 26-30, and 35-38 under 35 U.S.C. § 103(a) as being unpatentable over Giese in view of Crowley.

12. Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Giese (U.S. Pat. No. 5,572,805) in view of Crowley (U.S. Pat. No. 4,393,604), and further in view of Cameron (U.S. Pat. No. 3,739,497) or Barre (U.S. Pat. No. 5,473,827). Applicant respectfully submits that the aforementioned amendments made to independent claim 26 (from which claim 31 indirectly depends) render claim 31 allowable, and that Cameron and Barre fail to cure the deficiencies of Giese and Crowley with respect to independent claim 26.

Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Giese in view of Crowley, and further in view of Cameron or Barre.

CONCLUSION

In view of the foregoing, Applicant submits that claims 1, 4-23, 26-31, and 35-39 are clearly and patentably distinguished over the cited references, either alone or in combination, and are therefore allowable. Applicant respectfully request entry of this Amendment and Response, reconsideration, and early favorable action by the Examiner.

The Examiner is cordially invited to contact Applicant's undersigned representative at the number listed below to discuss any outstanding issues.

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VERSION OF AMENDED ITEMS WITH MARKINGS TO SHOW CHANGES MADE

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IN THE SPECIFICATION:

Paragraph beginning on page 10, line 23 (as amended on 29-Aug-01):

Fig. 3A shows a plan view of the bottom side of the chassis/skin 201, having a midfoot portion 204 and a rearfoot portion 208. The finger-shaped elements 210 in the forefoot region 206 have fold lines 222 to facilitate flexing at these regions. The forefoot region 206 includes a toe portion 207. The opening 212 in the heel portion 209 is in the shape of a chevron. Figs. 3B-3D show a cross-sectional view along section 3B-3B, a medial side view, and a lateral side view, respectively, of the chassis/skin construct 201. Figs. 3E-3G show cross-sectional views along sections 3E-3E, 3F-3F, and 3G-3G of the chassis/skin construct 201. Figs. 3H-3I show end views of a toe view and a heel view, respectively.

IN THE CLAIMS:

1. (Twice Amended) A single piece generally planar polymeric chassis for installation in an article of footwear, the chassis comprising:

a midfoot portion;

a forefoot portion, including ~~at least one~~ a plurality of elongated elements that, when the chassis is installed in the article of footwear, extends from a lateral side to a medial side of the article of footwear and from the midfoot portion into substantially an entire length of ~~a toe~~ the forefoot portion of the article of footwear, the plurality of elongated elements defining at least one space therebetween extending from a forwardmost extent of the forefoot portion and terminating in the midfoot portion, ~~wherein the chassis is substantially flat in the toe portion;~~ and

a rearfoot portion, including at least one elongated element that, when the chassis is installed in the article of footwear, extends from the midfoot portion into substantially an entire length of a heel portion of the article of footwear.

20. (Twice Amended) A single piece generally planar polymeric chassis for installation in an article of footwear, the chassis comprising a plurality of elongated elements that, when installed in the article of footwear, extend from a lateral side to a medial side of the article of footwear and extend substantially along an entire length of the article of footwear from a heel portion of the article of footwear to a toe portion of the article of footwear, each elongated element comprising:

a midfoot portion;

a forefoot portion; and

a rearfoot portion;

wherein the plurality of elongated elements define at least one space therebetween extending from a forwardmost extent of the forefoot portion of the plurality of elongated elements and terminating in the midfoot portion.

~~wherein the chassis is substantially flat in the toe portion.~~

26. (Twice Amended) An article of footwear including a sole with at least one cleat, the sole comprising a polymeric chassis, wherein a forefoot portion of the chassis extends from a lateral side to a medial side of the article of footwear and substantially along an entire length of (i) a heel portion of the article of footwear, and (ii) a toe portion of the article of footwear, ~~and wherein the chassis is substantially flat in the toe portion.~~